

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – DIVISION OF WATER RIGHTS  
MARCH 1, 2022**

**ITEM 6**

**SUBJECT**

CONSIDERATION OF A PROPOSED ORDER DENYING YUBA COUNTY WATER AGENCY'S REQUEST FOR ABEYANCE IN PROCEEDINGS ON ITS PETITION FOR RECONSIDERATION OF THE WATER QUALITY CERTIFICATION FOR THE YUBA RIVER DEVELOPMENT PROJECT

**DISCUSSION**

On January 11, 2022, Yuba County Water Agency (YCWA) submitted a request to the State Water Resources Control Board (State Water Board or Board) for an abeyance of its petition for reconsideration (petition) of the water quality certification (certification) for the Yuba River Development Project (Project).

As background, the Project, which is owned and operated by YCWA, is undergoing Federal Energy Regulatory Commission (FERC) relicensing of its Project. On July 17, 2020, the State Water Board's Executive Director issued a Project certification, pursuant to section 401 of the Clean Water Act (33 U.S.C. § 1341). The State Water Board received timely petitions of the Project certification from the following parties (collectively, Petitioners):

1. YCWA;
2. California Department of Fish and Wildlife (CDFW); and
3. California Sportfishing Protection Alliance, Friends of the River, Sierra Club Mother Lode Chapter, Trout Unlimited, and South Yuba River Citizens League (collectively, CSPA et al.).

Following YCWA's abeyance request, on January 14, 2022, Board staff contacted the Petitioners, requesting input regarding putting YCWA's and the other pending petitions in abeyance, as the three petitions are intertwined and address many of the same certification conditions. YCWA does not object to any of the petitions being put into abeyance. The CSPA et al. response indicates that they do not want their petition held in abeyance and object to any petitions being held in abeyance. CDFW responded that it is neutral with respect to whether the YCWA and other petitions are held in abeyance.

**POLICY ISSUE**

Should the State Water Board adopt the proposed Order?

**FISCAL IMPACT**

This activity is budgeted within existing resources, and no additional fiscal demands will result from approving this item.

**REGIONAL BOARD IMPACT**

None.

**STAFF RECOMMENDATION**

Staff recommend the State Water Board adopt the proposed Order.